

April 28, 2008

**City of Milton-Freewater  
City Council Minutes**

The Council of the City of Milton-Freewater met in regular session Monday, April 28, 2008 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Mayor Lewis Key, Councilors Orrin Lyon, Ed Chesnut, Keith Woods, Debbie Kelley, Steve Irving, Brad Humbert and Youth Councilor Patsy Sandoval.

Staff members present were: City Manager Linda Hall, City Recorder Leanne Steadman, Public Works Superintendent Dave Bradshaw, City Planner Gina Hartzheim, Public Works Supervisor Steve Birdwell and Public Works Utility Worker/Fire Fighter Scott Amon.

Planning Commission members present were: Charlie Good and Jeff Anliker.

Citizens present were: Merle Sherman, Debbie Amon, Charlotte Birdwell, Steve Birdwell Jr., Bo Birdwell, Kaiden Birdwell and Pauline Martin.

Press member Melanie Hall of the Valley Herald was present.

**CONSENT CALENDAR ITEMS:**

The consent calendar items consisted of minutes from the April 14, 2008 regular council meeting and Accounts Payable from April 9, 2008 – April 22, 2008.

Councilor Humbert motioned to approve the consent calendar items. Councilor Woods seconded the motion which passed unanimously.

**PRESENTATIONS:**

**RECOGNITION OF EASTERN OREGON REGIONAL WATER UTILITY  
ASSOCIATION AWARDS TO STEVE BIRDWELL AND SCOTT AMON**

City Manager Hall introduced Public Works Utility Worker and Volunteer Fire Fighter Scott Amon. Scott was awarded the 2008 Water Operator of the Year Award at a seminar in Ontario. Ms. Hall also introduced Public Works Supervisor Steve Birdwell. Steve was recognized for past awards received. He was a member of the crew which received the Water System Project of the Year in 1998 and he was also honored with a Regional Activities Award in 2005. Ms. Hall said she was very proud to have such outstanding employees and commended them on the great job they do.

Councilor Humbert said the crew does more than just water they also take care of the streets and sewer projects.

Council showed their appreciation as well with a round of applause.

**BUSINESS ITEMS:**

**PUBLIC HEARING/FINDINGS OF FACTS AND ORDINANCE NO. 947  
ORDINANCE AMENDING TITLE 10 OF CITY CODE IMPLEMENTING  
RESIDENTIAL DESIGN STANDARDS, MINIMUM LOT SIZE IN R-M ZONE AND  
MODIFYING ACCESSORY BUILDING REQUIREMENTS**

Mayor Key opened and summarized the rules for a public hearing held for the purpose of amending the City's zoning code by the addition of design standards for residential zones. He then explained that the testimony given in this hearing should be centered around the criteria for amending the zoning code. He also explained failure to raise an issue with sufficient directness to afford the decision maker and the parties an opportunity to respond to the issue will prohibit an appeal to LUBA on that issue.

No member of the Council declared ex parte contact and no audience member challenged any Councilor's right to participate in the hearing.

City Recorder Leanne Steadman reported notice of the hearing had been published according to law and no written comments had been received in her office.

The Mayor then asked City Planner Gina Hartzheim to please present the staff report. Ms. Hartzheim started with a picture of what the current ordinance allows. The picture showed a manufactured home which did not have any windows facing the street. She explained with the new proposed ordinance it would require a minimum of 30% of the total front wall area facing the street be in a combination of doors, porches, balconies and/or windows and corner lots would require a 15% of the total area of the secondary wall. Ms. Hartzheim also had pictures of homes that met this new criterion. She then talked about the R-M (residential mixed use) proposed zone change from a minimum of 4,000 square feet to 5,000 square feet. At which time she stated she would like to incorporate the staff report dated April 21, 2008 by reference.

#### STAFF REPORT April 21, 2008

APPLICANT: City of Milton-Freewater

ISSUE: Public Hearing regarding proposed amendments to the Zoning Code amending design standards in residential zones, amending minimum lot size in the R-M zone and amending accessory buildings requirements.

HEARING DATE: April 28, 2008

#### I. BACKGROUND

The Planning Commission has been studying the issue of design standards for quite some time and is now in a position to make recommendations on proposed amendments. In addition, after discussion the Planning Commission is also recommending that the minimum lot size be increased in the RM zone in order to allow more buildable area on these lots. Lastly, the Planning Commission is recommending that accessory buildings be allowed to encroach into side and rear yards as long as they do not present a fire hazard.

## II. COMPREHENSIVE PLAN/CODE PROVISIONS

### **Chapter 12: Amendments**

10-12-1 through 10-12-3

10-12-1: An amendment to the text of this Ordinance or to the Zoning Map may be initiated by the City Council, Planning Commission, or by application of a citizen.

Findings: The amendments are initiated by the Planning Commission, as allowed by this section.

10-12-2: Amendments to the text of this Ordinance or to the Zoning Map shall be processed under terms of the Level IV procedure in Section 10-3-10.

Findings: The amendments are being processed as a Level IV procedure, meeting this requirement.

10-12-3: In the Planning Commission report to the City Council, and in the City Council's action after review of the Planning Commission's report, the following standards shall be addressed:

- (A) The proposal is in conformance with all applicable provisions of the Comprehensive Plan text and map of land use designations.

Findings: The proposal conforms with applicable provisions of the Comprehensive Plan, as outlined below.

### **Goal 1 Citizen Involvement**

City Policy 1-A-1: The City will continue to employ its adopted Citizen Involvement Program.

Findings: The City of Milton-Freewater has provided several opportunities for citizen comments and involvement over the course of development of these proposed revisions, including two different opportunities at hearings.

- (B) The proposal addresses a need which was improperly or inadequately addressed by the present ordinance text or map.

Finding: This section is met because the existing regulations do not reflect what the Planning Commission feels is a need in the City to improve housing by allowing for a more pleasing streetscape in residential neighborhoods within the City.

## IV. GENERAL COMMENT

The proposed amendments will improve development in residential areas by allowing for a more pleasing streetscape. The Planning Commission feels that the requirements can be easily met without placing undue burden on a property owner or developer.

## V. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends that the City Council approve the proposed amendments to the Zoning Code.

Mayor Key then opened the floor for any audience member to speak in favor of the proposed amendments.

No one spoke.

The Mayor then opened the floor to all those wishing to speak in opposition.

Merle Sherman – 716 Pierce, spoke in opposition of a portion of the amendments. He stated the window requirement was a good addition but was concerned about packing/crowding homes together. He stated he disagreed with that part of the amendment.

No one else spoke.

The Mayor opened the floor for any member of the council who wished to ask any questions.

Councilor Lyon asked about the removal of a manufactured home in reference to Chapter 5 Supplementary Provisions. He said that section sounded like the City was going to remove all utilities when a manufactured home was removed. He also asked if that section referred to manufactured home parks.

Ms. Hartzheim replied by saying, “yes, it does include manufactured home parks”.

Ms. Hall clarified that all utilities would be left in the ground but when a home was removed the lines would be capped off to avoid exposure or contamination.

Councilor Chesnut said he was happy with the new standards and believed they would offer better resale values to homeowners when selling a home.

Councilor Humbert asked where the 30% minimum came from.

Ms. Hartzheim replied that the 30% seemed to be a good compromise. She stated 50% seemed to be too much and wanted the new proposal to work well in conjunction with the City’s weatherization program.

Councilor Irving complimented Ms. Hartzheim and the Planning Commission for all their hard work and said he felt the proposed amendments were a good piece of work.

Mayor Key announced the hearing was then declared to be closed.

Councilor Kelley motioned to adopt the Findings of Fact and Conclusion of Law supporting the decision to amend the Zoning Code which would amend the Residential Design Standards in all residential zones, amend minimum lot size in the R-M zone and amend regulations regarding accessory buildings. Councilor Humbert seconded the motion and a roll call vote was taken: Councilor Lyon, yea, Councilor Chesnut, yea, Councilor Woods, yea, Councilor

Kelley, yea, Councilor Irving, yea, Councilor Humbert, yea, Youth Councilor Sandoval, yea. Motion passed unanimously.

Councilor Kelley motioned that Ordinance No. 947 be introduced and full reading waived. Councilor Humbert seconded the motion which passed unanimously. The City Manager then read the ordinance by title. The council then introduced the first reading of Ordinance #947, Ordinance Amending Title 10 of City Code Implementing Residential Design Standards, minimum lot size in R-M zone and modifying accessory building requirements.

The council agreed by consensus to complete the second reading of Ordinance No. 947 at the next council meeting.

**RESOLUTION NO. 2082 AUTHORIZING MAYOR'S SIGNATURE TO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPT. OF LAND CONSERVATION AND DEVELOPMENT FOR ACCEPTANCE OF A \$45,000 ECONOMIC OPPORTUNITY ANALYSIS GRANT**

City Planner Gina Hartzheim explained what the Economic Opportunity Analysis Grant was and how it would benefit the City. She stated Request for Proposals would be sent out in the near future to hire a consultant to do the analysis. The completion date of the project is June 2009.

Discussion ensued around the tight timeline for the EOA Grant and project.

Councilor Chesnut motioned to adopt Resolution No. 2082, Resolution authorizing the Mayor's signature to an intergovernmental agreement with Oregon Department of Land Conservation and Development. Councilor Kelley seconded the motion which passed unanimously.

City Manager Hall thanked Ms. Hartzheim for all her hard work involved with the grant process.

**RESOLUTION NO. 2083 REQUESTING LEGISLATIVE CHANGES TO ETHICS REPORTING REQUIREMENTS**

City Manager Hall first thanked all of the City Council and Planning Commission by saying how proud she was of everyone conforming to the new Ethics reporting requirements and by objecting to the standards in a professional manner through legislation.

A discussion ensued about the new Ethics reporting requirements among Council and citizen present, Steve Birdwell Jr.

Councilor Kelley motioned to adopt Resolution No. 2083, Resolution seeking changes to ORS 244.050 to save local leadership. Councilor Irving seconded the motion which passed unanimously.

**DECISION REGARDING EXISTING AND FUTURE COUNCIL GOALS**

City Manager Hall explained that Council had met for a study session on the existing goals on March 24<sup>th</sup>. She recommended discussing the disposition of the goals to continue, retire, and add or to extend the goals.

A discussion ensued about the goals and it was decided to move some of the current goals to directives, for example; PARTNER WITH THE WALLA WALLA VALLEY CHAMBER OF COMMERCE, ENCOURAGE MORE COMMUNITY INVOLVEMENT, HOMELAND SECURITY and EXPLORATION OF ADDITIONAL SOURCES OF REVENUE. These directives would be on-going goals to continue and would not have specific time lines.

Ms. Hall recommended categorizing the goals into short term and long term goals rather than appoint a specific year, 2, 5 or 10 year goals.

Council consensus was to add all the goals discussed in their study session which were;

1. Explore implementation of a transient tax for hotels, motels and RV parks.
2. Amend existing Urban Renewal Agency Plan to focus its primary purpose and use toward assisting with “brick and mortar” physical improvement projects.
3. Undertake an overall commitment and goal of “Sprucing Up/Cleaning Up Our City” and to implement an appreciation award program to recognize those citizens who have made substantial improvements to cleaning up or sprucing up their homes and/or businesses.
4. Complete Economic Opportunities Analysis
5. Revive Community Policing Program

Ms. Hall said the changes discussed would be presented to council at a future meeting for adoption.

#### **APPROVAL OF LIQUOR LICENSE APPLICATION FOR SAMS’ STOP & SHOP**

City Recorder Leanne Steadman explained the liquor license application was for the convenience store located at 1121 S. Main formally known as Zip Trip. The new request was due to change in ownership. New owner, Jessey Nagra was requesting the same privileges as the previous owner. She explained the application was given to the Police Chief for a background check and was returned with his recommendation for approval.

Councilor Chesnut motioned to approve the liquor license application submitted by Jessey Nagra for the business located at 1121 S. Main St., “Sams’ Stop & Shop”. Councilor Woods seconded the motion which passed unanimously.

#### **OPPORTUNITY FOR CITIZENS TO APPROACH THE COUNCIL WITH ISSUES NOT ON THIS AGENDA**

Charlie Good – 15 Ireland, (Planning Commission Member) said he wanted to thank council for changing his mind about filling out the paper work required by the Ethics Commission. He stated he really admired Ms. Hall’s comment about who it would ultimately affect if committee members resigned from their positions.

Jeff Anliker – 325 Broadway, (Planning Commission Member) stated he was addressing Councilor Humbert’s question regarding the 30% minimum as discussed earlier in the meeting in regards to the proposed residential design standards. He said the 30% would include windows, dormers, gables, porches, and doors as part of the calculation.

#### **MANAGER’S REPORT**

Ms. Hall reported there would be a budget meeting on Thursday May 1<sup>st</sup> in the Albee Room. Manny Ramirez who worked at the sewer department retired and his last day was April 25<sup>th</sup>. She reported that Jennifer Riley was hired as the new Library Assistant who will be in charge of the Children’s programs at the Library. She said everyone is very excited to have Ms.

Riley at the Library but she would be missed as the Aquatic Center Manager and as a budget committee member most recently the chairman of that committee. Ms. Hall reported that there is planning and budgeting progressing towards automated meter reading. This would eventually include electric and water meters. Ms. Hall said she had written a letter in support of the Flood Control District's efforts to acquire \$400,000 in federal money to repair the levee. The annual Junior Show livestock auction is Sunday May 11<sup>th</sup>. She recommended Councilor Lyon represent the city since he was very involved with F.F.A. Councilor Lyon said he would be happy to represent the city. She also stated the flu bug had hit the city employees pretty hard and have been running on about 50% of its normal employees.

### **COUNCIL ANNOUNCEMENTS**

Councilor Chesnut announced he was on the Umatilla County Budget Committee. He stated their revenues were not keeping up with the expenses. Therefore, something is going to have to be cut to balance the budget. He said it is possible the Milton-Freewater Health Department could close as a result of the budget cuts.

Mayor Key said that Rotary held a tree planting ceremony at City Hall to kick off their big Urban Reforestation project on Friday April 25<sup>th</sup>. He said he understood the tree was going to be moved due to a citizen complaint of the tree blocking the library windows.

A discussion ensued regarding the location of the Red Maple tree.

Councilor Kelley made a motion to keep the tree where it currently was and it not be moved. Councilor Irving seconded the motion. A roll call vote was requested. Councilor Lyon, yea, Councilor Chesnut, abstained, Councilor Woods, yea, Councilor Kelley, yea, Councilor Irving, yea, Councilor Humbert, abstained, Youth Councilor Sandoval, abstained. Motion passed 4-3.

There being no further business, council adjourned at 8:44 p.m.

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Lewis S. Key, Mayor